

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
FREDERICK RANDOLPH,

Plaintiff,

v.

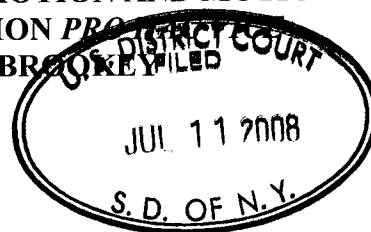
NEW TOP, INC., LUCASINI CLASSICS,
INC. and DON JONATHAN
CRAVATS, INC.,

Defendant
-----X

Civil Action No.: 08 CV 4598 (CVS)

Honorable Judge Sullivan

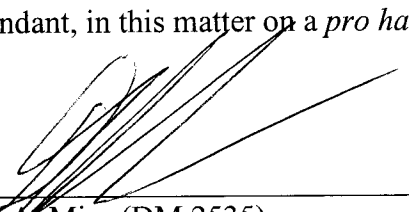
**NOTICE OF MOTION AND MOTION
FOR ADMISSION *PRO HAC VICE*
OF BRIAN K. BROOKEY**



PLEASE TAKE NOTICE that pursuant to Local Civil Rule 1.3(c), the undersigned for defendant, LUCASINI CLASSICS, INC., hereby moves this court before the Honorable Judge Sullivan for an order permitting Mr. Brian K. Brookey of the law firm Christie, Parker & Hale, LLP, 350 West Colorado Boulevard, Pasadena, California to appear in this civil action and represent defendant, as co-counsel in this matter *pro hac vice*. An affidavit of Mr. Brookey for admission is attached in support of this Motion. As demonstrated in the Affidavit and Certificate of Good Standing annexed thereto, Mr. Brookey is a member in good standing of the Bar of the State of California and has no pending disciplinary proceedings against him in any state or federal court. The relief sought in this Motion is based on said Affidavit, therefore it is believed no brief is required for this Motion. Proof of Service is attached herewith.

WHEREFORE, it is respectfully requested that this Court enter the attached [Proposed] Order permitting Brian K. Brookey to represent Defendant, in this matter on a *pro hac vice* basis.

Dated: New York, New York
July 8, 2008

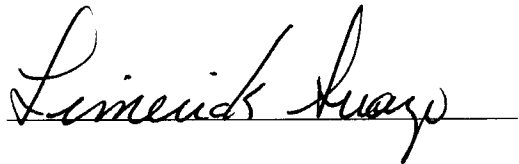
By: 
Douglas A. Miro (DM 2535)
Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas
New York, NY 10036
Telephone: (212) 382-0700
Facsimile: (212) 382-0888
Attorney for Defendant
Lucasini Classics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Notice of Motion and Motion for Admission of Brian K. Brookey to the Bar of this Court *Pro Hac Vice*, Affidavit of Brian K. Brookey in Support of Motion to Admit Counsel *Pro Hac Vice* and [Proposed] Order for Admission of Brian K. Brookey *Pro Hac Vice*** was served upon counsel on July 8, 2008 via first class mail:

Charles von Simson
von Simson & Chin LLP
62 William Street – Sixth Floor
New York, New York 10005

Stephen M Chin
von Simson & Chin LLP
62 William Street – Sixth Floor
New York, New York 10005

A handwritten signature in black ink, appearing to read "Limerick Huay", is written over a horizontal line.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK RANDOLPH,

Plaintiff,

v.

NEW TOP, INC., LUCASINI CLASSICS,
INC. and DON JONATHAN
CRAVATS, INC.,

Defendant
-----X

)
) Civil Action No.: 08 CV 4598 (CVS)

)
) Honorable Judge Sullivan

)
) **AFFIDAVIT OF BRIAN K. BROOKEY**
) **IN SUPPORT OF MOTION TO ADMIT**
) **COUNSEL *PRO HAC VICE***

I, Brian K. Brookey, being duly sworn, hereby deposes and says as follows:

1. I am Counsel to the law firm of Christie, Parker & Hale, LLP.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate(s) of Good Standing annexed hereto I am a member in good standing of the Bar of the State(s) of California.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.

Dated: July 5, 2008

Respectfully submitted,

By: 

Brian K. Brookey
Christie, Parker & Hale, LLP
350 West Colorado Boulevard
Pasadena, California 91109-7068
Telephone: (626) 683-4524
Facsimile: (626) 577-8800

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this

3RD day of JULY, 2008, by

(1) BRIAN K. BROOKEY,
Name of Signer

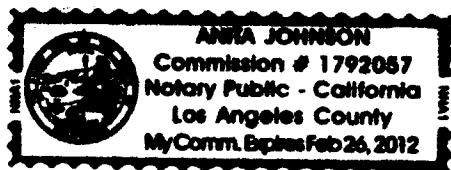
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (.)

(and

(2) _____,
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature *Anita Johnson*
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

*Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.*

Further Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 27, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, BRIAN KENT BROOKEY, #149522 was admitted to the practice of law in this state by the Supreme Court of California on December 4, 1990; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Kath Lambert".

Kath Lambert
Custodian of Membership Records

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FREDERICK RANDOLPH,)	
)	Civil Action No.: 08 CV 4598 (CVS)
Plaintiff,)	
)	Honorable Judge Sullivan
v.)	
)	
NEW TOP, INC., LUCASINI CLASSICS,)	[PROPOSED] ORDER FOR
INC. and DON JONATHAN)	ADMISSION OF BRIAN K. BROOKEY
CRAVATS, INC.,)	<i>PRO HAC VICE</i>
)	
Defendant)	
-----X		

The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, Brian K. Brookey, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. An attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: _____, 2008.

By: _____
Hon. Richard J. Sullivan
United States District Judge